



Hotham Primary School

Complaints Policy

Spring 2023

Ownership and Consultation	
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Consultation (role)	Governors
Approval	Full Governing Body

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Related documentation/resources	Education Act 2002; DfE Guidance; Wandsworth Guidance; Equality Duty; Relevant Statutory School Policies
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Aims

Our school aims to positively and respectfully respond to and resolve concerns and complaints from parents, pupils and others, in line with our statutory obligations.

When responding to concerns and complaints, we aim to:

- Treat complainants with respect and courtesy
- Be impartial and non-adversarial
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Keep complainants informed of the progress of the complaints process
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

The overall aim at each stage of any complaints process should be to secure the satisfactory settlement of the complaint.

Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints.

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements

Definitions

The DfE guidance explains the difference between a concern and a complaint:

- **A concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought". The school will resolve concerns through day-to-day communication as far as possible
- **A complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action"

Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This procedure covers all complaints about any provision of community facilities or services by Hotham Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools Statutory assessments of Special Educational Needs School re-organisation proposals 	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Wandsworth Council.
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). You can contact Mash by emailing mash@wandsworth.gov.uk
<ul style="list-style-type: none"> Exclusion of children from school* 	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . *complaints about the application of the school behaviour policy can be made through the school's complaints procedure.
<ul style="list-style-type: none"> Whistleblowing 	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
<ul style="list-style-type: none"> Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> Staff conduct 	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
<ul style="list-style-type: none"> National Curriculum – content 	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this

procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Hotham Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Principles for investigation

The procedure for dealing with complaints should be:

- Quick and efficient
- Clear and straightforward
- Known to all staff who have responsibility for implementing it
- Careful and fair

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

Roles and responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Cooperate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the Headteacher or complaints committee which includes the facts and potential solutions

School leadership

Should the complaint highlight an area of school provision or operation that requires improvement, it is the school leaders' responsibility to ensure that happens.

Where this policy refers to 'Headteacher' this role may be covered by the Deputy Headteacher in the event of the absence of the Headteacher.

Procedure for dealing with complaints (Phase 1 and 2)

Informal

The school will take informal complaints seriously and make every effort to resolve the matter quickly. It may be the case that a conversation or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff:

In the first instance, complaints should be taken to:

- The class teacher
- Phase leader/member of senior leadership team
- Headteacher or Deputy Headteacher (as appropriate)

The informal stage may well involve a meeting between the complainant and the appropriate member of staff.

If the complaint is not resolved informally, it can be escalated to a formal complaint.

Formal

When a formal complaint is received in writing, the Headteacher will initially write to the complainant within 5 working days to call a meeting to clarify concerns and, if possible, seek a resolution. At this stage, the headteacher will appoint the most appropriate member of staff to lead this meeting.

If a satisfactory resolution cannot be achieved in this meeting, the complainant will be asked to complete a Hotham Complaints Form and submit it to the Headteacher. A third party acting on behalf of the complainant may assist with completion of the form.

Phase 1:

The Headteacher will acknowledge receipt of the Complaints Form within **5 working days** and request a formal meeting with the complainant and Headteacher. The complainant can bring a companion (e.g. friend, relative, translator) if they wish and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

Minutes will be kept of the formal meeting initiated by the Complaints Form and will be clearly dated. At the end of Phase 1 and within **5 working days** of the meeting, the complainant will be informed in writing of the decision taken following the meeting, the reasons for it and any actions taken or proposed.

If the complainant is not satisfied with this decision they should write to the Chair of Governors requesting further investigation at Phase 2 of the complaints process.

Phase 2:

The Complaint Form and any minutes of the Phase 1 meeting should be sent to the Chair of Governors.

The Chair of Governors should acknowledge receipt within **5 working days**. They should investigate the complaint and respond in writing within **21 working days** to say whether they believe the school management dealt with the complaint in a satisfactory manner.

If they are not satisfied with the investigation, the Chair should write to the complainant to suggest the complaint is investigated further by a Governors' Complaints Panel (Phase 3).

Procedures for the Governors' Complaint Panel (Phase 3)

If a complaint is escalated, it will be considered by the Governors' Complaint Panel. The Complaint Panel will consist of the Chair of Governors and one or two other Governors. When constituting a complaint panel, the Governing Body shall have a regard to their role in performing their duties under the Race Relations Act 1976 and the Sex Discrimination Act 1975.

The complaint panel should be convened as soon as possible.

The Clerk will notify all parties in writing (and by recorded delivery to the complainant), **10 working days** before the date of the hearing, or a shorter period if agreed by all parties, stating the date, time and place of the complaints panel meeting and the complainants right to be accompanied by a companion. Any documents relevant to the complaint to be enclosed with the letter together with any information about how the meeting will be conducted.

Any additional documents the complainant wishes to refer to, and the Headteacher's report, should be provided 5 working days before the date of the meeting in order that sufficient copies can be made available to the Governors. Notification of intention to call witnesses should also be given 5 working days before meeting.

Conduct of the Governors' Complaint Panel Meeting

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the establishment and the complainant.

Governors should ensure that the meeting is conducted in an unthreatening fashion. Introduction of previously undisclosed evidence or witnesses is a reason to adjourn the meeting so that the other side has the time to consider the situation.

The meeting should follow the procedure set out below:

1. The complainant should explain the nature of their complaint. If appropriate, witnesses for the complainant may be called at this stage.
2. The Headteacher and members of the complaint panel may question the complainant's witnesses about the complaint.
3. The Headteacher should respond to the complaint. If appropriate, witnesses for the school may be called at this stage.
4. The complainant and members of the panel may question the Head or witnesses about the response to the complaint.
5. The complainant may make a final statement.
6. The Headteacher may make a final statement.
7. The Chair of the meeting explains that the complaint panel will now consider the complaint and that the complainant and the Headteacher will be notified of the decision within **5 working days** of the meeting.
8. The complainant (and companion, if relevant), the Headteacher or appropriate representative, then leave the meeting.
9. The complaint panel then considers the complaint and the cases made by the complainant and Headteacher and:
 - a. Reaches a decision on the complaint
 - b. Decides upon any action to be taken.
10. The minutes of the meeting, the details of the decision and action to be taken, should be sent to the complainant in writing within **5 working days** after the meeting with copies to the Headteacher and LA.
11. The letter sent to the complainant informing them of the Governors' decision concludes the complaint procedure.
12. If the complainant is not happy with the Governors response, they should seek guidance from the next section in the policy 'Complaints against the Governing Body'.

A report of the proceedings is made to the full Governing Body.

Complaints against the Headteacher, a Governor or the Governing Body

Complaints made against the Headteacher or an individual member of the Governing Body should be directed in the first instance to the Chair of the Governing Body, who will then investigate the complaint following the procedures set out previously in the description of the formal complaint investigation.

If the complaint is an unresolved Phase 3 complaint, or jointly about the chair and vice-chair, the entire Governing Body or the majority of the Governing Body, contact should be made via the Clerk to the Governing Body.

The Clerk to the Governing Body can be contacted via the school office.

An independent investigator will be called on to investigate the complaint following the same due procedures set out previously in this policy. The investigator will be appointed by the Governing Body and will write a formal response at the end of their investigation.

If following this a resolution is still not reached a committee of independent governors will form a review panel and will hear the complaint. Independent governors will be sourced from local schools or the local authority.

Resolving complaints

At each stage in the procedure, Hotham Primary School seeks to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

Withdrawal of a complaint

If a complainant wants to withdraw their complaint at any stage of the process, we will ask them to confirm this in writing. The matter will then be deemed closed.

Issues with engagement

Lack of response

If a complainant does not respond to school communications requesting engagement with the complaints process, the Headteacher will write to the complainant advising them that the matter will be deemed closed if they fail to respond within **5 working days**.

Attendance at Phase 1 formal meetings

If the complainant refuses or fails to attend a formal meeting to discuss their complaint at Phase 1, the Headteacher will seek confirmation in writing that they wish to proceed without this step. The Headteacher will then respond to the complaint in writing within **10 working days** of the confirmation being received, using the evidence provided in the Complaint Form.

Attendance at Phase 3 governor panel

If the complainant refuses or fails to attend a governor panel at Phase 3 without good reason, the panel will proceed as set out above, using any written submissions (e.g. Complaints Form and minutes) provided by the complainant as evidence.

Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of all phases of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to.

The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

Managing serial and unreasonable complaints

Hotham Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Hotham Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Refuses to cooperate with the complaints investigation process
- Refuses to accept that certain issues are not within the scope of the complaints procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- Seeks an unrealistic outcome

- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Hotham Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Hotham Primary School.

Record keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

Learning lessons

The Chair of Governors along with the Headteacher will review any underlying issues raised by complaints where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

Appendix 1: Hotham Primary School Complaint Form

1. Your name:

2. Your address:

3. Your daytime telephone number:

4. Your email address:

5. The nature of your complaint is:

If you run out of space, please continue on a separate sheet and attach it to this form.

6. Have you complained about this before?

YES

NO

If 'Yes', to whom did you complain?

What happened after you complained?

7. What do you think the school and governors should do about it next?

8. Your signature:

Date:

Please return this form to the Headteacher at school.

If the complaint is about the Headteacher please return it to the Chair of Governors either via the school office or by email to: governors@hotham.wandsworth.sch.uk

Appendix 2: Example initial complaint acknowledgement

Dear <NAME>,

I am writing in response to your complaint, received by the school on <DATE>.

I am sorry that you are contacting the school in these circumstances and would like to assure you that we will look into your concerns carefully and hope to resolve this matter as quickly as possible.

In the first instance I would like to invite you to meet with a member of staff to discuss the matter informally. You may attend the meeting with a companion if you wish.

If this does not resolve your concerns, you can ask to have your complaint investigated at Phase 1 of our complaints process and a decision will then be sent to you in writing within due course. Our Complaints Policy is attached for your information – the steps and timelines for resolving complaints are stated clearly.

If you are happy to attend a meeting, you will meet with <NAME> in the first instance. <NAME> is currently available to meet with you on <DATE AND TIME> – please let the school know if you are able to attend.

Yours sincerely,

Headteacher

Appendix 3: Example Phase 1 acknowledgement and invite to formal meeting

Dear <NAME>,

I am writing in response to your complaint, received by the school on <DATE>.

Your complaint will be looked into carefully under Phase 1 of our complaints process. Our Complaints Policy is attached for your information – the steps and timelines for resolving complaints are stated clearly.

At this stage, I will be investigating your complaint. In order to ensure that I have a clear understanding of the issues to be investigated, please see a summary of these below.

You have stated that:

- a.
- b.
- c.
- etc

NB: If there are matters in the complaint not applicable to the school it should be stated here and the complainant referred to the 'Scope' section of the policy.

As part of Phase 1 of our complaints process, I would like to invite you to a formal meeting to discuss the matter with me. You may attend the meeting with a companion if you wish. The meeting will be minuted.

I am currently available to meet with you on <DATE AND TIME> – please let the school know if you are able to attend.

I will then investigate your complaint. Once the investigation into the matter is completed, I will send my decision to you in writing within five working days of the meeting. If necessary, this letter will include information on what will happen next.

If you are unhappy with the decision, you may ask that your complaint is considered at Phase 2 of the process, where it will be investigated by the Chair of Governors.

Yours sincerely,

Headteacher

Appendix 4: Example Phase 1 written response

Dear <NAME>,

I am writing in response to your complaint, received by the school on <DATE>.

Thank you for meeting with me on <DATE> to discuss the matter formally. In the meeting we clarified your complaint as follows:

- a.
- b.
- c.
- etc

I note and welcome that you are solution focused and have brought these matters to the attention of the school with a view to working collaboratively to resolve them in the best interests of your child. It is always my intention to secure the best outcomes for pupils at Hotham by resolving any issues as quickly as possible.

I have now investigated your complaint under Phase 1 of the school's complaints policy, and I have set out my decision below.

- a.
- b.
- c.
- etc

I do hope these responses are useful in clarifying the actions of the school in response to the issues raised in your complaint.

If you are not satisfied with this decision you should write to the Chair of Governors requesting further investigation at Phase 2 of the complaints process.

I would like to thank you again for bringing this matter to my attention, and hope that we are now able to move forwards with the shared best interests of your child at heart.

Yours sincerely,

Headteacher